

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

DOUGLAS I. HORNSBY, Administrator of
the Estate of CYNTHIA GARY,

Plaintiff,

v.

CIVIL NO.: 2:22cv427

UNITED STATES OF AMERICA,

Defendant and Third-Party Plaintiff,

v.

METRO MACHINE CORP., d/b/a
GENERAL DYNAMICS NASSCO-Norfolk,

and

ADVANCED INTEGRATED TECHNOLOGIES, LLC,

Third-Party Defendants.

ORDER

This matter comes before the court on the Joint Motion to Modify Scheduling Order ("Joint Motion") filed by Plaintiff, Douglas Hornsby, Administrator of the Estate of Cynthia Gary and Defendant, United States of America, and Memorandum in Support. ECF Nos. 116, 117. The Joint Motion seeks to modify Rule 26(f) Pretrial Order. ECF No. 113. Id. For the reasons set forth below, the Joint Motion is **DENIED**.

The Rule 26(f) Pretrial Order was filed on December 19, 2023, prior to the United States' Third-Party Complaint and Rule 14

Tender ("Third-Party Complaint") being filed in this case. See ECF Nos. 113, 118, 119. Given the filing of the Third-Party Complaint, the Rule 26(f) Pretrial Order and the dates and directives therein are no longer applicable to this case. An Amended Rule 26(f) Pretrial Order will be entered by the court when all parties are at issue. To the extent any party wants a variance of the Local Rule and the Standard Rule 26(f) Pretrial Order that will be entered in this matter, an appropriate Motion and Memorandum must be filed anew, to be ruled upon at that time.

The Joint Motion, ECF No. 116, is **DENIED**. The Rule 26(f) Pretrial Order entered on December 19, 2023, ECF No. 113, is **MOOT**.

The Clerk is **DIRECTED** to send a copy of this Order to counsel for the parties.

IT IS SO ORDERED.

/s/
Rebecca Beach Smith
Senior United States District Judge



REBECCA BEACH SMITH
SENIOR UNITED STATES DISTRICT JUDGE

January 22, 2024